

# MusickPeeler

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LOS-ANGELES  
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SAN DIEGO  
SAN FRANCISCO  
VENTURA COUNTY

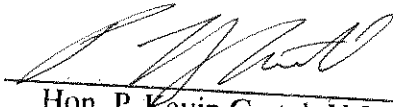
April 4, 2022

**BY ECF**

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States  
Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Application Granted.

So Ordered:

  
Hon. P. Kevin Castel, U.S.D.J.

4-5-22

Re: *PayVicki LLC v. Payvision US Inc., et al.*  
Case No.: 21-cv-8939 (PKC)  
Payvision B.V.'s Request for an Extension of Time

Dear Judge Castel:

We write on behalf of Defendant Payvision B.V. ("Payvision") in the above-captioned matter to respectfully request an extension of time for Payvision to file its anticipated motion to dismiss Plaintiff PayVicki LLC's ("PayVicki") Complaint [Dkt. 1] (the "Complaint").<sup>1</sup> The next conference in this action is scheduled for February 24, 2023.

PayVicki served Payvision with the Complaint on March 18, 2022. As a result, the current deadline for Payvision to move against or answer the Complaint is April 8, 2022. Pursuant to Section 1.B of Your Honor's Individual Practices, Payvision respectfully requests that this deadline be extended by three weeks to April 29, 2022. No adjournment or extension of this deadline has been sought previously.

This extension is warranted because it will permit counsel for PayVicki and Payvision and Defendant Payvision US Inc. to further discuss whether PayVicki will voluntarily dismiss the Complaint, and if not, whether PayVicki will voluntarily dismiss Payvision who, like Defendant

<sup>1</sup> Pursuant to Section 3.A of Your Honor's Individual Practices, Payvision will file a pre-motion letter seeking permission to move to dismiss the Complaint for, at a minimum, lack of personal jurisdiction and failure to state a claim. In submitting this letter, Payvision does not waive any and expressly reserves all defenses, including but not limited to those related to personal jurisdiction and venue.

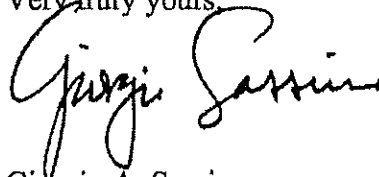
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ING Groep N.V., is a foreign corporation that undertook no suit-related conduct at all, let alone in the State of New York, and is not a party to the contract PayVicki claims was breached. Should PayVicki not voluntarily dismiss either the Complaint or Payvision, the extension will permit Payvision adequate time to prepare its motion to dismiss and supporting documentation, including a sworn declaration setting out facts in support of its motion to dismiss for lack of personal jurisdiction.

For the foregoing reasons, Payvision respectfully requests that the Court extend the deadline for its motion to dismiss to April 29, 2022. Payvision has conferred with counsel for PayVicki, and PayVicki consents to the extension.

Very truly yours,



Giorgio A. Sassine  
MUSICK, PEELER & GARRETT LLP

cc: All counsel of Record (via ECF)  
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